

### **REMARKS**

Claims 1, 2, 7, 10, 11, and 16 are pending in this application.

Applicants have amended claims 1 and 10. The changes to these claims made herein do not introduce any new matter.

#### **Rejection Under 35 U.S.C. § 112**

In the Advisory Action dated June 16, 2009, the Examiner indicated that the rejection of claims 1, 2, and 7 under 35 U.S.C. § 112, second paragraph, was withdrawn (based on the changes made in the Amendment filed on May 13, 2009).

#### **Double Patenting Rejection**

In response to the provisional obviousness-type double patenting rejection of claims 1, 2, 7, 10, 11, and 16 as being unpatentable over claims 1, 5, 11, 12, 20-23, and 28-30 of copending Application No. 10/674,988, Applicants previously submitted a terminal disclaimer. Accordingly, Applicants request that the provisional obviousness-type double patenting rejection of claims 1, 2, 7, 10, 11, and 16 be withdrawn.

#### **Rejection Under 35 U.S.C. § 102**

Applicants respectfully request reconsideration of the rejection of claims 1, 2, 7, 10, 11, and 16 under 35 U.S.C. § 102(b) as being unpatentable over *Asami et al.* ("Asami") (US 2001/0005833 A1). As will be explained in more detail below, the *Asami* reference does not disclose each and every feature of the subject matter defined in independent claims 1 and 10, as amended herein.

In the Advisory Action, the Examiner stated "Claim 1 does not distinguish between self-assessment and non-self assessment of an item." Continuation Sheet attached to Advisory Action dated June 16, 2009. Applicants maintain their position that the *Asami* reference does not disclose the claimed subject matter for the reasons set forth in the Amendment filed on May 13, 2009. Nevertheless, in an effort to expedite prosecution of the

subject application, Applicants have amended independent claims 1 and 10 to further distinguish the claimed subject matter from that shown in the *Asami* reference.

In particular, Applicants have amended claim 1 to specify that, when the tentative quote exceeds a first reference value, the deduction setting module determines that an assessment of the used personal computer is required upon receipt of the used personal computer by the commodity sales system *to determine a final trade-in price of the used personal computer* and sets the minimum price of the used personal computer to a deduction of the selected commodity, which is to be subtracted from a specified price of the commodity. Applicants have amended claim 10 along the same lines that claim 1 has been amended.

The product distribution system shown by *Asami* is provided with an “[o]wned item self-assessment capability.” Paragraph [0096]. This capability enables a customer to input parameters relating to an item which he owns into the product distribution system and receive an assessment of the resale price for that owned item. See, e.g., Paragraph [0141]. As such, the assessment of the resale price for the owned item is based on the parameters input into the system by the customer, and the assessment is made while the owned item is in the possession of the customer, i.e., before the item is actually submitted to the product distribution system.

In contrast, the presently claimed subject matter involves making a determination as to whether an assessment of the used personal computer is required upon receipt of the used personal computer by the commodity sales system *to determine a final trade-in price of the used personal computer*. This determination is based on comparison of a tentative quote with a first reference value. The *Asami* reference does not disclose the making of any determination as to whether an assessment of the item is required upon receipt of the item from the customer. Moreover, in the event an assessment is required, the assessment of the used personal computer in the presently claimed subject matter is made upon receipt of the used personal computer by the commodity sales system, i.e., after the used personal computer

has actually been submitted to the commodity sales system. As discussed above, the assessment shown in the *Asami* reference is made before the item is actually submitted to the product distribution system.

Thus, for at least the foregoing reasons, as well as for the reasons set forth in the Amendment filed on May 13, 2009, the *Asami* reference does not disclose each and every feature of the subject matter defined in present claims 1 and 10.

Accordingly, independent claims 1 and 10, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Asami*. Claims 2 and 7, each of which depends from claim 1, and claims 11 and 16, each of which depends from claim 10, are likewise patentable under 35 U.S.C. § 102(b) over *Asami* for at least the same reasons set forth above regarding the applicable independent claim.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1, 2, 7, 10, 11, and 16, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. ITECP003).

Respectfully submitted,  
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